

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

APRIL S. WALDEN,

No. 3:19-cv-01717-AC

Plaintiff,

ORDER

v.

PROVIDENCE HEALTH AND SERVICES,
aka PROVIDENCE ST. JOSEPH HEALTH,

Defendant.

HERNÁNDEZ, District Judge:

Magistrate Judge Acosta issued a Findings and Recommendation [53] on August 24, 2020, in which he recommends that this Court dismiss Plaintiff's state law claims with prejudice and dismiss Plaintiff's possible ADA and FMLA claims without prejudice. The matter is now before the Court pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

Plaintiff filed timely objections to the Magistrate Judge's Findings & Recommendation. Pl.'s Obj., ECF 55. When any party objects to any portion of the Magistrate Judge's Findings & Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1); *Dawson v. Marshall*, 561 F.3d 930, 932 (9th Cir. 2009); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc).

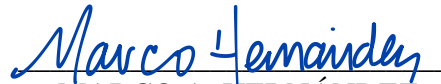
The Court has carefully considered Plaintiff's objections and concludes that there is no basis to modify the Findings & Recommendation. The Court has also reviewed the pertinent portions of the record *de novo* and finds no error in the Magistrate Judge's Findings & Recommendation.

CONCLUSION

The Court ADOPTS Magistrate Judge Acosta's Findings and Recommendation [53]. Therefore, Defendant's Motion to Dismiss [41] is GRANTED with prejudice as to Plaintiff's state law claims and without prejudice as to her possible ADA and FMLA claims.

IT IS SO ORDERED.

DATED: October 9, 2020.


MARCO A. HERNÁNDEZ
United States District Judge